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CITY AND COUNTY OF SAN FRANCISCO, et al.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMESON ASHLEY,
Plaintiff,
vs.

CITY AND COUNTY OF SAN
FRANCISCO, MICHAEL HENNESSEY,
individually and in his official capacity as
Sheriff of the San Francisco County Sheriff's
Department; and DOES 1 to 30,
Defendants.

Case No. CV-12-0045 JSW

**STIPULATION REGARDING INDEPENDENT
MENTAL EXAMINATION OF PLAINTIFF;
[PROPOSED] ORDER**

Trial Date: April 29, 2013

1 The parties stipulate as follows:

2 1. On December 13, 2012, the parties submitted a joint letter regarding a discovery
3 dispute over the terms of Defendants' proposed independent mental examination of Plaintiff. (Dkt.
4 62). That dispute was referred to Magistrate Judge Westmore. Judge Westmore requested that the
5 parties submit supporting declarations on January 28, 2013. (Dkt. 67).

6 2. Plaintiff submitted a declaration from Dr. Michael Wilkes, who stated that due to a
7 recent change in Plaintiff's condition, it is not medically advisable for Plaintiff to undergo an IME at
8 this time, and that it could be harmful to him. (Dkt. 68).

9 3. As a result of this changed circumstance, the parties agree that no determination should
10 be made on the terms of Defendants' proposed IME at this time.

11 4. The parties agree that Judge Westmore should retain jurisdiction of this dispute, and
12 that the parties will file a joint letter updating the court on the status of the dispute within sixty days of
13 the date of the attached order.

14 5. The parties agree to submit a separate request to continue the outstanding deadlines in
15 this case in order to accommodate the pending issue of the IME of Plaintiff.

16 Dated: February 7, 2013

17 DENNIS J. HERRERA
18 City Attorney
19 CHERYL ADAMS
20 Chief Trial Attorney
21 BRADLEY A. RUSSI
22 Deputy City Attorney

23 By: /s/ Bradley A. Russi
24 BRADLEY A. RUSSI
25 Attorneys for Defendants
26 CITY AND COUNTY OF SAN FRANCISCO, et al.

27 Dated: February 7, 2013

28 SIMS, CURRAN & OCKEN

By: /s/ Stuart Curran*
STUART CURRAN
Attorney for Plaintiff JAMESON ASHLEY

* Pursuant to General Order 45, § X.B., the filer of this document attests that he has received the concurrence of this signatory to file this document.

~~[PROPOSED]~~ ORDER

Pursuant to the above stipulation, within sixty days of the date of this order, the parties are ordered to file a joint letter updating the court as to the status of the discovery dispute regarding Defendants' proposed independent mental examination of Plaintiff.

Dated: 2/7/2013


HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge